



THE LAW OFFICE OF  
**MATTHEW GALLUZZO**  
—PLLC

11 BROADWAY, SUITE 715 NEW YORK, NEW YORK 10004  
Tel. (212) 344-5180 www.criminal-defense.nyc

August 28, 2020

The Honorable William H. Pauley III  
U.S. District Court Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007  
VIA ECF

**MEMO ENDORSED**

Re: *United States v. Lazaro Rosabal Fleitas, et al.*, 19-cr-631 (WHP)

Dear Judge Pauley,

I am CJA counsel to Lazaro Rosabal Fleitas in the above-captioned matter. I write to respectfully request an adjournment of Mr. Fleitas' sentencing (currently scheduled for September 24 at 11:30 am) in light of the pandemic protocols. The government has no objection to this application.

My client is a resident of Florida and would have to travel to New York for his sentencing. Unfortunately, because of the current pandemic situation in Florida, he would have to be in quarantine for 14 days prior to his sentencing date. His recent travel has been arranged and paid for by the U.S. Marshals, and it seems unnecessarily complicated and expensive to put my client into quarantine for the sake of a September sentencing. Although a video sentencing could be possible, my client also strongly prefers to have a live sentencing hearing. Besides, as the Court is no doubt aware, Section 15002(b) of the CARES Act allows for sentencing proceedings to be held via video teleconferencing and/or telephone conferencing only when the district judge "in a particular case finds for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice." See also 20 Misc. 176 (CM), SDNY Standing Order No. M10-468 (authorizing the use of video or telephone conferencing for felony pleas under Rule 11 and felony sentencings under Rule 32 only upon a finding by the presiding judge that the "proceeding cannot be further delayed without serious harm to the interests of justice.") (March 30, 2020). I cannot think of any compelling or specific reason why another short postponement would harm the interests of justice in this case. Moreover, my client is currently at liberty and has been compliant with the conditions of his pretrial release.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_

Matthew Galluzzo, Counsel for Fleitas



THE LAW OFFICE OF  
**MATTHEW GALLUZZO**  
PLLC

11 BROADWAY, SUITE 715 NEW YORK, NEW YORK 10004  
Tel. (212) 344-5180 [www.criminal-defense.nyc](http://www.criminal-defense.nyc)

Cc:

AUSA Kiersten Fletcher

AUSA Emily Johnson

VIA ECF

Application granted. The sentencing is adjourned to  
December 3, 2020 at 2:30 p.m.

SO ORDERED:

WILLIAM H. PAULEY III  
U.S.D.J.

September 4, 2020